

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

KRYSTAL GAIL STREET,)	
)	
Plaintiff,)	
)	
v.)	Case No. CV414-210
)	
STATE OF GEORGIA,)	
)	
Defendant. ¹)	

ORDER

Before the Court is Krystal Gail Street's petition for writ of mandamus, which challenges multiple aspects of an ongoing state criminal proceeding against her for shoplifting. (Doc. 1 at 2.) Regardless of the propriety of the petition,² she has filed suit in the wrong court. While she resides within the Southern District of Georgia, she seeks to

¹ She captioned the complaint as "State of Georgia" versus "Krystal Gail Street," and she added her state criminal case number. (Doc. 1 at 1.) This Court's Clerk properly reversed the caption order since mandamus is an ancillary civil matter and Gail is the petitioner. This is not a continuation of her criminal proceedings.

² Coming to federal court instead of invoking and completing available state appellate remedies is a mistake. *See generally*, 17B CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE & PROCEDURE § 4252 (2008) ("The core of the rule laid down in *Younger v. Harris*, [401 U.S. 37 (1971),] and the other cases defining the doctrine of 'Our Federalism' is that a federal court, in the absence of unusual circumstances, cannot interfere with a pending state criminal prosecution") (footnotes omitted).

compel the Clerk of the Superior Court of Henry County, Georgia to dismiss the criminal case against her. (*Id.* at 2.) The alleged criminal activity also took place in Henry County, which lies within the jurisdiction of the United States District Court for the Northern District of Georgia. See 28 U.S.C. § 90(a)(2) (Henry County lies within the Northern District's Atlanta Division). Street's case must be transferred to the Northern District of Georgia. 28 U.S.C. § 1391 (venue); 28 U.S.C. § 1406 (permitting district courts to dismiss or transfer cases suffering from venue defects). Accordingly, the Clerk is **DIRECTED** to transfer this case to the United States District Court for the Northern District of Georgia for all further proceedings.

SO ORDERED this 24th day of September, 2014.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA